

05-18-04

Case Docket No. 913/40148A/303A

In re application of **WILBUR KEITH MOFFATT**

Serial No.: 10/694,134

Filed: October 27, 2003

For: **RETAINER FOR RETAINING COLLAPSED  
POLES WITHIN ANOTHER POLE**

Certificate of Mailing by "Express Mail"	
Mailing Label Number	<b>EV 480048 249US</b>
Date of Deposit	<b>May 17, 2004</b>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 35 CFR 1.10 on the date indicated above and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<b>Suzanne E. Sexton</b> Suzanne E. Sexton	

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a "Response to Restriction Requirement" for the above-identified application.

The filing fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	Claims Remaining After Amendment		Highest No. Previously Paid for	Present Extra
TOTAL	* 5	MINUS	** 20	0
INDEP.	* 2	MINUS	** 3	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

## SMALL ENTITY

Rate	Addit. Fee
x 9 =	\$ .00
x 42 =	\$ .00
+ 130 =	\$ .00
TOTAL ADDIT. FEE	\$ .00

OR

## OTHER THAN A SMALL ENTITY

Rate	Addit. Fee
x 18 =	\$ .00
x 84 =	\$ .00
+ 260 =	\$ .00
TOTAL	\$ .00

OR

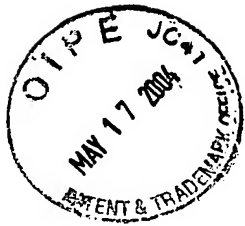
- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 20-1495 in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1495. A duplicate copy of this sheet is enclosed.
- ☒ Any filing fees required under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17

Dated: May 17, 2004

**James A. O'Malley**  
 Richard A. Giangiorgi, Reg. No. 24,284  
 Linda L. Palomar, Reg. No. 37,903  
 James A. O'Malley, Reg. No. 45,952  
 Attorney of Record



PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: 10/694,134 )  
)  
Filed: October 27, 2003 )  
)  
For: RETAINER FOR )  
RETAINING COLLAPSED )  
POLES WITHIN )  
ANOTHER POLE )  
)  
Applicants: Wilbur Moffatt )  
)  
Examiner: Ernesto Garcia )  
)  
Art Unit: 3679 )  
)  
Atty Docket No.: 913/40148A )

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

MAILING LABEL NUMBER: EV 480048249US

DATE OF DEPOSIT: May 17, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE BOX ADDRESSEE" SERVICE UNDER 35 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Tiffany E. Sexton  
Tiffany E. Sexton

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action Restriction Requirement of April 21, 2004, having a shortened statutory period for response set to expire on May 21, 2004, Applicant elects Group I (Claims 1-4, drawn to a retainer assembly) without traverse. Within Group I, Applicant further elects Species B, namely Figures 9-11, without traverse. The claims readable on Species B are claims 1-3. Applicant explicitly reserves the right to include claims directed to additional embodiments of the invention upon the allowance of a generic claim. Currently, claims 1 and 2 are generic for Species B and C. In addition, Applicant explicitly reserves the right to file divisional applications on those non-elected claims.

As Applicant is not aware of any prior art which would anticipate or render obvious the claims of the present invention, early allowance is respectfully requested.

Applicant further notes that, based on the Examiner's finding of three patentably distinct species of the retainer assembly, the Examiner may be confused as to what exactly the retainer assembly of the invention as claimed actually is. Therefore, Applicant has provided herewith on page 3 of this Response a version of claim 1 with the elements thereof identified by reference numeral for clarification as to what is the retainer assembly of the invention. Applicant states that the button/spring assemblies 96, 106, which are best illustrated in FIGURES 6 and 7, are not the retainer assembly of the invention. Applicant further states that the retractable pin members 114, 114a, which are best illustrated in FIGURES 9, 10, 11 and 16, are not the retainer assembly of the invention.

If the Examiner has any questions regarding this Response to Restriction Requirement, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date: May 17, 2004

By: James A. O'Malley  
Richard A. Giangiori, Reg. No. 24,284  
Linda L. Palomar, Reg. No. 37,903  
James A. O'Malley, Reg. No. 45,952

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 West Adams Street, 36<sup>th</sup> Floor  
Chicago, Illinois 60603  
Tel: (312) 704-1890  
Fax: (312) 704-8023

1. A retainer assembly (112) for retaining at least one inner pole (74a) of an extensible and retractable pole assembly (22a) within an outer pole (72a) of the extensible and retractable pole assembly (22a) when the at least one inner pole (74a) is retracted within the outer pole (72a), said retainer assembly (112) comprising:

a first section (132) having first and second portions (140, 138),

a second section (134) having first and second portions (144, 142), said first portions (140, 144) of said first and second sections (132, 134) capable of fastening to one another across an open end (78a) of the outer pole (72a) to retain the at least one inner pole (74a) within the outer pole (72a), and

a third section (136) positioned around the outer pole (72a) which is fastened to said second portions (138, 142) of said first and second sections (132, 134).